

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,
Plaintiff,

No. CR 04-00317 WHA
No. C 12-05836-WHA

v.

ORDER REQUIRING RESPONSE

CHARLES EDWARD LEPP,
Defendant.

Defendant Charles Edward Lepp's Section 2255 motion, filed pro se, includes a claim that his counsel was constitutionally ineffective under *Strickland v. Washington*, 466 U.S. 668 (1984), in providing incorrect advice in connection with a plea offer. Defendant's statements in his motion and reply brief are not clear. To clarify, defendant Lepp must provide a *sworn response under penalty of perjury* to the following questions by **APRIL 23, 2013**. In response to the below questions, defendant Lepp is requested to please provide the facts as best he recalls them and not to embellish with argument or irrelevant matters. Please provide the answers in the numerical order set forth below.

1. To the best of your recollection, state the date and terms of the verbal plea offer from the government, as referenced in the motion at page 20. State when you decided to reject the verbal plea offer.
2. Did any attorney provide advice upon which you based your decision to reject the verbal plea offer?

Yes _____

No _____

3. If so, who?

David W. Fermينو

Dennis Julian Roberts

William McPike

Harris Bruce Taback

J. Tony Serra Omar Figueroa
 Shari Greenberger Shari Lynn White
 Shawn Halbert Michael Hinckley
 Editte Dalya Lerman Katherine Alfieri
 Other (state name) _____

4. State all of the advice that any attorney told you in connection with your decision to reject the verbal plea offer referenced in your motion. State the circumstances and approximate dates of each such communication with counsel.
5. Prior to your decision to reject the verbal plea offer, were you were told by any attorney, the judge, the government, or anyone else of the possible sentences you might face if you went to trial?
- Yes _____ No _____
6. If yes, state everything that anyone told you, prior to your decision to reject the verbal plea offer, on the subject of potential sentences you might face if you went to trial. Include the name of the person (or, if unknown, description of the person's position or title) along with the circumstances and approximate date of each such communication.
7. Prior to the date you rejected the verbal plea offer, did anyone tell you or were you otherwise made aware that a mandatory minimum sentence might be possible in your case?
- Yes _____ No _____
8. Did Attorney Michael Hinckley ever advise you of the possible sentence you could face if convicted at trial?
- Yes _____ No _____
- If yes, when? _____

IT IS SO ORDERED.

Dated: March 25, 2013.


 WILLIAM ALSUP
 UNITED STATES DISTRICT JUDGE